

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:24-cr-103-DPJ-LGI

JODY E. OWENS II,
CHOKWE ANTAR LUMUMBA, and
AARON B. BANKS

**JOINT MOTION TO DESIGNATE THIS CASE COMPLEX,
CONTINUE TRIAL, AND RESET PRETRIAL DEADLINES**

The United States, by and through its undersigned attorneys, along with the defendants, Jody E. Owens II, Chokwe Antar Lumumba, and Aaron B. Banks, each through counsel, respectfully file this Joint Motion to Designate this Case Complex, Continue Trial, and Reset Pretrial Deadlines, for cause showing the Court as follows:

- 1. The ends of justice served by declaring this case complex and continuing trial outweigh the best interest of the public and the defendant in a speedy trial.**

A delay in trial at the request of the defendant or his counsel, or at the request of the attorney for the Government, is deemed “excludable delay” under the Speedy Trial Act if the Court finds that the ends of justice served by delaying trial outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Among the factors the Court should consider when addressing a request to delay trial are:

Whether the case is so unusual or complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by [the Speedy Trial Act].

18 U.S.C. §3161 (h)(7)(B)(ii). In this case, the nature of the prosecution – specifically, the volume and nature of discovery – qualifies the case as “complex.”

The scope of discovery is estimated to involve hundreds of hours of audio and video recordings as well as thousands of pages of discovery. These materials include, *inter alia*, toll records, tax returns, transcripts, financial records, reports of interviews (MOIs, ROIs, 302s), electronic communications, search warrant returns of devices and electronic accounts, and other materials. The parties are actively collaborating to identify and facilitate a searchable platform for the Defense to receive and manage the large volume of discovery.

Considering the volume and nature of discovery, and the challenges inherent to managing it, the Defense estimates that it will require several months from the time the Government produces discovery to prepare for trial.

2. The parties have conferred and respectfully request a mutually agreeable trial date that will allow sufficient time for review of all discovery.

In light of the foregoing, the parties have conferred and jointly request a trial date, to be determined, that is mutually agreeable to the parties and that is sufficient to allow the defendants to fully review discovery and for all the parties to prepare for trial. The Government has provided the Defense with a preliminary estimated trial time of 20 days. The Defense is not yet able to estimate trial time but has no reason to differ from the Government's view at this time.

3. Relief requested.

The parties respectfully request that the Court designate this case as "complex," and furthermore, that the Court enter findings that the ends of justice served by delaying trial outweigh the best interest of the public and the defendants in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

The parties further respectfully request that the Court set this case for trial on a date that is mutually agreeable to the parties and that is sufficient to allow the defendants to fully review discovery and for all parties to prepare for trial.

The parties further respectfully request that the Court reset all pretrial deadlines accordingly.

Respectfully submitted,

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U.S. Department of Justice

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which provided notice to all counsel of record.

/s/ Charles W. Kirkham

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